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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,699	08/07/2001	Chika Kayaba	1619.1012	8779

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EXAMINER

HIRL, JOSEPH P

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/26/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,699	Applicant(s) KAYABA ET AL.	
	Examiner Joseph P. Hirl	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 August 2001.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

1. Claims 1-9 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention.
"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP page 2100-8, col 2 lines 45-48; page 2100-9, col 1, lines 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Perfit et al (U. S. Patent 6,535,728, referred to as **Perfit**).

Claims 1, 9

Perfit anticipates receiving means for receiving a call from a telephone Terminal (**Perfit**, col 5, line 37); and analysis means for analyzing condition for the call from the Telephone terminal to generate a parameter which represents a presumed psychological state of a customer using the telephone terminal (**Perfit**, Fig. 1; col 5, lines 5-16; Examiner's Note (EN): Fraud is psychological state).

Claim 2

Perfit anticipates icon creating means for creating an icon to visually display the presumed psychological state of the customer on a basis of the parameter (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13; EN: an icon is a graphic representation such as those of Fig. 8); and icon display control means for displaying the presumed psychological state of the customer by using the icon (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13; EN: an icon is a graphic representation such as those of Fig. 8).

Claim 3

Perfit anticipates advice creating means for creating an advice on a basis of the parameter to indicate properly dealing with the customer (**Perfit**, col 16, lines 8-13); and advice display control means for displaying the advice (**Perfit**, col 16, lines 8-13).

Claim 4

Perfit anticipates callback instructing means for analyzing a neglect data to indicate that the telephone terminal is to be called in a case that a number of incoming calls or a number of times that the call has been neglected in the neglect data for the call from the telephone terminal is equal to or more than a predetermined value, the neglect data being obtained when the call from the telephone terminal has been neglected and being information which represents the condition for the call from the telephone terminal (**Perfit**, col 2, lines 5-16; col 11, lines 30-42; EN: neglected data being a call that went unanswered for some period would be part of the overall database and would have an appropriate response to be found on Figure 8).

Claim 5

Perfit anticipates wherein the analysis means analyses the condition for the call from the telephone terminal by using at least incoming call data obtained when the call from the telephone terminal has arrived, dealing data on dealing with -he call from the telephone terminal, and transfer data on transfer of the call from the telephone terminal, each of which is;-reformation which represents the condition for the call from the telephone terminal (**Perfit**, col 11, lines 13-42).

Claim 6

Perfit anticipates the analysis means generates a first and second parameters, the first parameter being based on information directly related to a psychological state of the customer concerning the call from the telephone terminal, and the second parameter being based on other information not directly related to the psychological

state of the customer (**Perfit**, col 11, lines 13-42; EN: Perfit generates multiple parameters, some of which are identified in Fig. 8).

Claim 7

Perfit anticipates icon creating means for creating an icon to visually display the presumed psychological state of the customer on a basis of the parameter (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13; EN: an icon is a graphic representation such as those of Fig. 8); and icon display control means for displaying the presumed psychological state of the customer by using the icon (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13), wherein the icon creating means creates a first and second icons on a basis of the first and second parameters respectively (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13), and wherein the icon display control means displays the first and second icons (**Perfit**, Fig. 8; col 15, lines 56-67; col 16, lines 1-13).

Claim 8

Perfit anticipates analysis means creates information which represents condition for the call from the telephone terminal concurrently with ringing of the call and while the call is being dealt with (**Perfit**, col 8, lines 35-52).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carroll Bullard, US Pub 2002/0091636

6. Claims 1-9 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

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2121 Crystal Drive,
Arlington, Virginia.

Joseph P. Hirl



September 17, 2003

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 9/22/03
For Anil Khetri